

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**JAMES OLIVER.,
AIS #186094,**

Petitioner,

v.

JOHN CUMMINS,

Respondent.

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CIVIL ACTION NO. 09-00052-KD-N

JUDGMENT

In accordance with the order entered on this date, it is **ORDERED, ADJUDGED** and **DECREED** that petitioner's request for habeas corpus relief pursuant to 28 U.S.C. § 2254 be **DENIED** and **DISMISSED with prejudice** because the claims asserted therein are unexhausted and are now precluded from review by the Alabama courts and this Court under the doctrine of procedural default.

DONE this 19th day of November, 2009.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE